

3RD MEETING OF THE EUROPEAN MIGRATION FORUM

‘MIGRANTS’ ACCESS TO THE EU, TO RIGHTS AND TO SERVICES’

BRUSSELS, 3 MARCH 2017

Michael O’Flaherty

Director of the European Union Agency for Fundamental Rights

Good morning ladies and gentlemen, dear colleagues,

Thank you for inviting me to this important event, which brings together the people indispensable in helping to overcome the human rights crisis at our borders.

And not only at our borders, for it will be neither be easy nor straightforward to avoid a human rights crisis within our borders as well. We live in strange and difficult times for fundamental and human rights. Confidence in human rights is decreasing, while the systems guaranteeing these rights are increasingly rejected.

One reason for this growing mistrust are the profound disparities we see in European society. The so-called ‘European project’ rings very hollow to those whose lives and livelihoods have become so precarious. For some involved in defending human rights, this can all seem overwhelming: the issues too daunting, the patterns of abuse too great, and the challenges too many.

However, I would argue that we have many grounds to be optimistic. The instruments we have at our disposal to protect human rights are numerous, and finely meshed. The Fundamental Rights Agency is a case in point. This year, we are marking our 10th anniversary, and in those 10 years we have consistently helped to defend human rights in Europe. In 2009, the Charter of Fundamental Rights of the EU came into effect, giving us a legally binding document that puts human rights firmly at the centre of the European project.

Through our own work, we at the Fundamental Rights Agency have seen how vital migration is for a broader respect of human rights in the EU. That is why we will be continuing this year to assist practitioners at the migration hotspots in Greece and

Italy, and will carry on reporting each month on the human rights situation of those arriving in the EU. We will also continue to deliver in-depth legal analyses to the EU institutions in the form of Opinions, assessing how legislative proposals such as the revised Eurodac or Dublin Regulations stand up to fundamental rights scrutiny.

At the same time, we see clearly that the EU and its Member States need to pay more attention to the integration of those living *“rightfully and legitimately in the EU”*, as the Commission puts it, as well as those who are or can find themselves in an irregular situation. These people are entitled to certain basic rights shared by all. But often they live and work in the shadows, denied their rights and particularly vulnerable to discrimination, exploitation and marginalisation.

Some years ago, the Fundamental Rights Agency interviewed 23,500 migrants and minorities across the EU. The findings showed that 41% of Sub-Saharan African migrants, 36% of North African migrants and 23% of Turkish migrants had experienced discrimination at least once in the year preceding the survey when looking for work; at work; when looking for housing; in education; or when accessing healthcare or social services. When it comes to hate crime, 18% of Sub-Saharan African migrants experienced at least one racially motivated incident in the 12 months preceding the survey, although only a small minority reported this to the police. At the same time, the survey found very high levels of police stops: on average, 33% of all North Africans; 27% of Sub-Saharan Africans; and 21% of Turkish respondents.

On the more specific issue of integration, the Fundamental Rights Agency will be publishing a report just a few weeks on precisely this subject. Entitled ‘Together in the EU: Promoting the participation of migrants and their descendants’, this report examines national migrant integration policies. It finds many of them problematic.

I would like to share with you some of the key findings.

1. There are enormous differences in national migrant integration action plans and strategies across the EU, from their guiding principles, through specific integration measures, to monitoring and evaluation.

2. Less than half of Member States have action plans or strategies explicitly addressing youth with a migrant background, although we know from numerous studies that they are disadvantaged in many areas.
3. Migrants are protected from discrimination on the basis of ethnic or racial origin. At the same time, 16 Member States do not protect them against discrimination on the basis of their nationality or status as migrant, refugee or foreigner.
4. The relevant national anti-discrimination institution and bodies often do not collect the relevant statistical data necessary to protect migrants from discrimination.

Moving on to education, an area of vital importance to successful integration:

5. There is evidence of a *de facto* segregation at schools in half of Member States, while data are not available for many other countries. This depicts a worrying reality of migrants and natives living in divided societies.
6. Education systems make intercultural education a dedicated subject within the national curriculum in only five Member States.
7. On the positive side, 17 Member States include references to cultural diversity as a guiding principle or as part of curricular subjects in primary or secondary education.

If you will allow me, I'll make one last point on the findings of our new report, one that appears to me symptomatic of the inadequacy of some national integration strategies to the times in which we live.

8. Only a handful of EU Member States follow a needs-based approach to language learning by providing courses to all residents with limited language proficiency, including citizens of migrant background. At the same time, language learning programmes are rarely linked to employment, and job-specific or on-the-job language training courses are uncommon.

Ladies and gentlemen,

The concept of ‘living together’ and what this can or should mean is high on the political agenda. Public opinion, reflected in opinion polls and election results, appears sceptical about the feasibility of living together in religious and culturally diverse societies, particularly in the face of security concerns and economic uncertainty. Yet governments, local authorities and NGOs alike must support participation with all the means at their disposal. In this way we help not only them to help themselves, but also contribute to the sustainable growth we need to achieve a strong and prosperous Europe.

There is no question that national governments are primarily responsible for integration. Indeed, this was already acknowledged by the Council of Ministers more than a decade ago, which noted that it is states and local communities that should identify the best practical ways to integrate newcomers. At the same time, though, the Council warned that *“the failure of an individual Member State to develop and implement a successful integration policy can have in different ways adverse implications for other Member States and the European Union; not only on the economy, but by undermining respect for human rights, by breeding alienation and tensions within society, it can endanger our commitment to fulfil our duty to protect those in need of it.”*

States need to pay more attention to the EU’s ‘Common Basic Principles for Immigrant Integration’. Notwithstanding the fact that these principles are already 10 years old, they are still highly relevant. These principles provide a clear definition of integration as a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

Ladies and gentlemen,

Jean-Claude Juncker spoke in his White Paper earlier this week of “five scenarios for Europe.” Whichever is decided on, the integration of migrants and their children in our societies is essential. Without it, taking demographics into account, the European Union will not have a future.

Furthermore, experts agree that the flow of people across countries and continents will fluctuate, but continue. François Crépeau, the UN's Special Rapporteur on the human rights of migrants, wrote recently that any attempt to "seal" borders without offering more accessible, regular, safe and affordable avenues for migration will continue to fail on a massive scale.

The Fundamental Rights Agency has explored this issue in a publication that explores ways of increasing legal admissions into the EU of people in need of international protection. In these times, when national asylum policies are being tightened, it is imperative that we remember our moral and legal obligation to help those fleeing war and persecution. And there is another reason. It is far from certain that building walls and fences will keep people out. What is certain is that they will be driven further into the arms of the smugglers and other criminal groups who are making a profit out of others' misery.

As I conclude my remarks, let me assure you that I am not naïve about the challenging environment. There are political forces in Europe capitalising on people's fears and security concerns to gain electoral support for their chauvinist, racist agendas. And their fierce resistance to integrate newcomers will continue. They will use lies; they will use fear and intimidation. As the UN's High Commissioner for Human Rights said last year, these political groups are well aware *"how effectively xenophobia and bigotry can be weaponized. ... The atmosphere will become thick with hate; at this point it can descend rapidly into colossal violence."*

This is not the Europe we want. We must all – EU institutions, national governments, human rights institutions, civil society, social partners, and faith communities – do our part to ensure that the European project is one of which we can be proud; one that puts human dignity at its very heart.

Thank you.